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DRAFT STATUTORY INSTRUMENTS

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**2019 No.**

**The Aviation Safety (Amendment  
etc.) (EU Exit) Regulations 2019**

**PART 3**

**Amendment of principal EU Regulations**

**CHAPTER 5**

**Amendment of Regulation (EU) No 2018/1139**

*SECTION 5*

*The European Union Aviation Safety Agency – Chapter 5 of Regulation EU (No) 2018/1139*  
SUB-SECTION 1 Tasks

**Amendment of Article 75 of Regulation (EU) No 2018/1139**

**146.**—(1) Article 75 (establishment and functions of the Agency) is amended as follows.

(2) In the heading, for “Establishment and functions of the Agency” substitute “Functions of the CAA under this Regulation”.

(3) Omit paragraph 1.

(4) In paragraph 2—

(a) in the first place it occurs, for “Union” substitute “United Kingdom”;

(b) in the first place it occurs, for “Agency” substitute “CAA”;

(c) in point (b)—

(i) in both places it occurs, for “Commission” substitute “Secretary of State”;

(ii) for “Agency” substitute “CAA”;

(d) in point (c), for “Commission” substitute “Secretary of State”;

(e) in point (d), omit “Union”;

(f) in point (e), omit “, or as requested by the Commission”;

(g) in point (f)—

(i) for “Member States” substitute “the United Kingdom”;

(ii) for “them” substitute “the United Kingdom”;

(h) in point (g)—

(i) for “national competent authorities” substitute “Secretary of State”;

(ii) for “their tasks” substitute “the tasks of the Secretary of State”;

(i) in point (h)—

- (i) for “Commission” substitute “Secretary of State”;
- (ii) for “Union” substitute “any relevant”;
- (j) in point (i), for “Union” substitute “United Kingdom”;
- (k) in point (j), omit “Union”.

#### **Amendment of Article 76 of Regulation (EU) No 2018/1139**

**147.**—(1) Article 76 (Agency measures) is amended as follows.

- (2) In the heading, for “Agency measures” substitute “CAA measures”.
- (3) In paragraph 1—
  - (a) for the words from the start to “assist the Commission” substitute “The CAA must, upon request, assist the Secretary of State”;
  - (b) for “delegated and implementing acts to be adopted on the basis of this Regulation” substitute “regulations to be made under it”;
  - (c) for “the Agency submits to the Commission” substitute “the CAA submits to the Secretary of State”.
- (4) Omit paragraph 2.
- (5) In paragraph 3—
  - (a) for “Agency” substitute “CAA”;
  - (b) for “delegated and implementing acts adopted on the basis of” substitute “regulations made under”;
  - (c) for “the delegated and implementing acts adopted on the basis thereof” substitute “regulations made under it”.
- (6) In paragraph 4—
  - (a) in the first subparagraph—
    - (i) for “The Agency” substitute “The CAA”;
    - (ii) for the words from “paragraph 6” to the end substitute “Articles 77 and 79 to 83”;
  - (b) omit “the second, third, fourth and fifth subparagraphs”.
- (7) Omit paragraphs 5, 6 and 7.

#### **Amendment of Article 77 of Regulation (EU) No 2018/1139**

**148.**—(1) Article 77 (airworthiness and environmental certification) is amended as follows.

- (2) In paragraph 1—
  - (a) for “Agency” substitute “CAA”;
  - (b) for “Member States” substitute “the United Kingdom”.
- (3) In paragraph 2—
  - (a) for “Agency” substitute “CAA”;
  - (b) in point (b) omit the words from “, where those organisations” to the end.
- (4) In paragraph 3 for “Agency” substitute “CAA”.

#### **Amendment of Article 78 of Regulation (EU) No 2018/1139**

**149.** Omit Article 78 (aircrew certification).

### **Amendment of Article 79 of Regulation (EU) No 2018/1139**

**150.** In Article 79 (certification of safety-related aerodrome equipment), for “Agency” substitute “CAA”.

### **Amendment of Article 80 of Regulation (EU) No 2018/1139**

**151.**—(1) Article 80 (ATM/ANS) is amended as follows.

(2) In paragraph 1—

- (a) in the first place it occurs, for “Agency” substitute “CAA”;
- (b) in point (a)—
  - (i) for “Member States are” substitute “the United Kingdom is”;
  - (ii) for “above the territory to which the Treaties apply” substitute “of the United Kingdom”;
- (c) omit points (b) and (c);
- (d) in point (d)—
  - (i) for “Agency” substitute “CAA”;
  - (ii) for “points (a) and (b)” substitute “point (a)”.

(3) In paragraph 2—

- (a) for the words from “including” to “Agency” substitute “the CAA”;
- (b) for “the delegated acts referred to in” substitute “regulations made under”.

### **Amendment of Article 81 of Regulation (EU) No 2018/1139**

**152.** In Article 81 (air traffic controller training organisations certification)—

- (a) for “Agency” substitute “CAA”;
- (b) omit the words from “, where those organisations” to the end.

### **Amendment of Article 82 of Regulation (EU) No 2018/1139**

**153.**—(1) Article 82 (third-country aircraft operators and international safety oversight) is amended as follows.

(2) In paragraph 1—

- (a) for “Agency” substitute “CAA”;
- (b) omit the words from “unless a Member State” to the end.

(3) In paragraph 2, for “Agency” substitute “CAA”.

(4) In paragraph 3—

- (a) for “Agency” substitute “CAA”;
- (b) in both places the word occurs, for “Commission” substitute “Secretary of State”.

### **Amendment of Article 83 of Regulation (EU) No 2018/1139**

**154.**—(1) Article 83 (investigations by the Agency) is amended as follows.

(2) In the heading, for “Agency” substitute “CAA”.

(3) In paragraph 1—

- (a) for “Agency” substitute “CAA”;

- (b) omit “national competent authorities or”.
- (4) In paragraph 2—
  - (a) in the first subparagraph—
    - (i) in the first two places the words occur, for “Agency” substitute “CAA”;
    - (ii) in point (b), for “the delegated and implementing acts adopted on the basis thereof” substitute “regulations made under it”;
    - (iii) omit point (c);
  - (b) in the second subparagraph—
    - (i) for “Agency” substitute “CAA”;
    - (ii) for “the delegated and implementing acts adopted on the basis thereof” substitute “regulations made under it”;
    - (iii) after “in compliance with” (in the first place it occurs) omit “the”;
    - (iv) omit “of the Member State”;
  - (c) omit the last subparagraph.
- (5) In paragraph 3, for “Agency” substitute “CAA”.
- (6) Omit paragraph 4.

**Amendment of Articles 84 to 86 of Regulation (EU) No 2018/1139**

- 155.** Omit the following—
- (a) Article 84 (fines and periodic penalty payments);
  - (b) Article 85 (monitoring of Member States);
  - (c) Article 86 (research and innovation).

**Amendment of Article 87 of Regulation (EU) No 2018/1139**

- 156.**—(1) Article 87 (environmental protection) is amended as follows.
- (2) In paragraph 1, for “Agency” substitute “CAA”.
  - (3) Omit paragraphs 2 and 3.
  - (4) In paragraph 4—
    - (a) in the first subparagraph—
      - (i) for “Agency” substitute “CAA”;
      - (ii) for “Union” substitute “United Kingdom”;
    - (b) in the second subparagraph—
      - (i) for “Agency” substitute “CAA”;
      - (ii) for “Union” substitute “United Kingdom”;
    - (c) in the third subparagraph—
      - (i) for “Agency” substitute “CAA”;
      - (ii) for “Member States” substitute “Secretary of State”;
    - (d) in the fourth subparagraph, for “Union” substitute “United Kingdom”.

**Amendment of Article 88 of Regulation (EU) No 2018/1139**

- 157.** Omit Article 88 (interdependencies between civil aviation safety and security).

### **Amendment of Article 89 of Regulation (EU) No 2018/1139**

**158.** Omit Article 89 (interdependencies between civil aviation safety and socio-economic factors).

### **Amendment of Article 90 of Regulation (EU) No 2018/1139**

**159.**—(1) Article 90 (international cooperation) is amended as follows.

(2) In paragraph 1—

- (a) for “Agency” substitute “CAA”;
- (b) for “Commission in its” substitute “Secretary of State in the”;
- (c) in both places it occurs for “European” substitute “United Kingdom”.

(3) In paragraph 2—

- (a) at the start for “The Agency” substitute “The CAA”;
- (b) for “Agency, in prior consultation with the Commission,” substitute “CAA”;
- (c) for “Union and its Member States” substitute “United Kingdom”.

(4) In paragraph 3—

- (a) in the first subparagraph—
  - (i) for “The Agency shall assist Member States” substitute “The CAA must assist the Secretary of State”;
  - (ii) in the first place it occurs, for “their” substitute “the United Kingdom’s”;
  - (iii) in the second and third places it occurs, for “their” substitute “its”;
- (b) omit the second subparagraph.

(5) Omit paragraphs 4 and 5.

(6) In paragraph 6—

- (a) for “paragraphs 1 to 5” substitute “paragraphs 1 to 3”;
- (b) for “Agency” substitute “CAA”;
- (c) for “Agency’s” substitute “CAA’s”.

### **Amendment of Article 91 of Regulation (EU) No 2018/1139**

**160.**—(1) Article 91 (aviation crisis management) is amended as follows.

(2) In paragraph 1, for “Agency” substitute “CAA”.

(3) Omit paragraph 2.

### **Amendment of Article 92 of Regulation (EU) No 2018/1139**

**161.**—(1) Article 92 (aviation training) is amended as follows.

(2) In paragraph 1—

- (a) in the first two places it occurs, for “Agency” substitute “CAA”;
- (b) for “in its official publication” substitute “on its website”;
- (c) in the third place it occurs, for “Agency” substitute “CAA”.

(3) In paragraph 2—

- (a) for “Agency” substitute “CAA”;

- (b) omit “and national competent authorities”.

**Amendment of Article 93 of Regulation (EU) No 2018/1139**

**162.** Omit Article 93 (implementation of Single European Sky).  
SUB-SECTION 2 Internal structure

**Amendment of Articles 94 to 114 of Regulation (EU) No 2018/1139**

**163.** Omit the following—

- (a) Article 94 (legal status, seat and local offices);
- (b) Article 95 (staff);
- (c) Article 96 (privileges and immunities);
- (d) Article 97 (liability);
- (e) Article 98 (functions of the management board);
- (f) Article 99 (composition of the management board);
- (g) Article 100 (chairperson of the management board);
- (h) Article 101 (meetings of the management board);
- (i) Article 102 (voting rules of the management board);
- (j) Article 103 (executive director);
- (k) Article 104 (responsibilities of the executive director);
- (l) Article 105 (powers of the Board of Appeal);
- (m) Article 106 (members of the Board of Appeal);
- (n) Article 107 (exclusion and objection);
- (o) Article 108 (decisions subject to appeal);
- (p) Article 109 (persons entitled to appeal);
- (q) Article 110 (time limit and form);
- (r) Article 111 (interlocutory revision);
- (s) Article 112 (examination of appeals);
- (t) Article 113 (decisions on appeal);
- (u) Article 114 (actions before the Court of Justice).

SUB-SECTION 3 Working methods

**Amendment of Article 115 of Regulation (EU) No 2018/1139**

**164.**—(1) Article 115 (procedures for the development of opinions, certification specifications and other detailed specifications, acceptable means of compliance and guidance material) is amended as follows.

- (2) In paragraph 1—
  - (a) for “Management Board” substitute “CAA”;
  - (b) in point (a)—
    - (i) omit “the civil and”;
    - (ii) omit “of the Member States”;
  - (c) in point (b) omit “the relevant European”;

- (d) in point (c), in both places it occurs, for “Agency” substitute “CAA”.
- (3) In paragraph 2—
  - (a) the first time it occurs, for “Agency” substitute “CAA”;
  - (b) the first time it occurs, for “the Member States” substitute “relevant stakeholders”;
  - (c) omit the words from “To that effect” to the end.
- (4) In paragraph 3—
  - (a) at the start for “Agency” substitute “CAA”;
  - (b) for the words from “in the official” to the end substitute “on the CAA’s website”.

#### **Amendment of Article 116 of Regulation (EU) No 2018/1139**

- 165.**—(1) Article 116 (procedures for taking decisions) is amended as follows.
- (2) In paragraph 1—
    - (a) for “Management Board” substitute “CAA”;
    - (b) in point (b) omit the words from “, subject to the requirements” to the end;
    - (c) in point (c), for “this Regulation” substitute “the Civil Aviation Authority Regulations 1991”.
  - (3) In paragraph 2, for “Management Board” substitute “CAA”.

#### **Amendment of Articles 117 to 119 of Regulation (EU) No 2018/1139**

- 166.** Omit the following—
- (a) Article 117 (annual and multi-annual programming);
  - (b) Article 118 (consolidated annual activity report);
  - (c) Article 119 (transparency and communication).
- SUB-SECTION 4Financial requirements

#### **Amendment of Articles 120 to 126 of Regulation (EU) No 2018/1139**

- 167.** Omit the following—
- (a) Article 120 (budget);
  - (b) Article 121 (implementation and control of the budget);
  - (c) Article 122 (combating fraud);
  - (d) Article 123 (security rules on the protection of classified and sensitive non-classified information);
  - (e) Article 124 (evaluation);
  - (f) Article 125 (financial rules);
  - (g) Article 126 (fees and charges).